



RCE/2D/04  
11/14  
10/10/01

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/512,968        |
| Filing Date            | February 24, 2000 |
| First Named Inventor   | David R. Hembree  |
| Group Art Unit         | 2858              |
| Examiner Name          | V. Nguyen         |
| Attorney Docket Number | MI 22-1363        |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

a.  Previously submitted  
 i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
 (Any unentered amendment(s) referred to above will be entered).  
 ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
 iii.  Other \_\_\_\_\_

b.  Enclosed  
 i.  Amendment/Reply  
 ii.  Affidavit(s)/Declaration(s)  
 iii.  Information Disclosure Statement (IDS)  
 iv.  Other Interview Summary; Non-Initialed Form, PTO-1449; Return Receipt Postcard

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)  
 b.  Other \_\_\_\_\_

**3. Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
 Deposit Account No. 23-0925  
 i.  RCE fee required under 37 C.F.R. § 1.17(e)  
 ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)  
 iii.  Other \_\_\_\_\_

b.  Check in the amount of \$ 710.00 enclosed  
 c.  Payment by credit card (Form PTO-2038 enclosed)

10/02/2001 SDENB0B1 00000077 230925 09512968

01 FC:179 30.00 CH 710.00 DP

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                    |                                   |         |
|-------------------|--------------------|-----------------------------------|---------|
| Name (Print/Type) | James D. Shaurette | Registration No. (Attorney/Agent) | 39,833  |
| Signature         |                    | Date                              | 9/26/01 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

|                   |                    |      |         |
|-------------------|--------------------|------|---------|
| Name (Print/Type) | James D. Shaurette | Date | 9/26/01 |
| Signature         |                    |      |         |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

**TOTAL AMOUNT OF PAYMENT** (\$ 710.00)

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | 09/512,968        |
| Filing Date          | February 24, 2000 |
| First Named Inventor | David R. Hembree  |
| Examiner Name        | V. Nguyen         |
| Group / Art Unit     | 2858              |
| Attorney Docket No.  | MI22-1363         |

|   |                        |
|---|------------------------|
| <b>METHOD OF PAYMENT</b> (check one)  |                        |
| 1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: |                        |
| Deposit Account Number  | 23-0925                |
| Deposit Account Name  | Wells, St. John et al. |
| <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17                                  |                        |
| 2. <input checked="" type="checkbox"/> Payment Enclosed:  |                        |
| <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other                         |                        |

|  |               |  |          |
|--|---------------|--|----------|
| <b>FEE CALCULATION</b>   |               |  |          |
| 1. BASIC FILING FEE  |               |  |          |
| Large Entity   | Small Entity  | Fee Description  | Fee Paid |
| Fee Code (\$)  | Fee Code (\$) |  |          |
| 101 690  | 201 345       | Utility filing fee   | 710.00   |
| 106 310  | 206 155       | Design filing fee  |          |
| 107 480  | 207 240       | Plant filing fee   |          |
| 108 690  | 208 345       | Reissue filing fee   |          |
| 114 150  | 214 75        | Provisional filing fee                                     |          |
| <b>SUBTOTAL (1)</b>  |               | (\$ 710.00)  |          |
| 2. EXTRA CLAIM FEES  |               | Fee from below   | Fee Paid |
| Total Claims   | Extra Claims  |  |          |
| Independent  | -20**         | =  | 0        |
| Claims   | -3**          | =  | 0        |
| Multiple Dependent   |               |  |          |
| **or number previously paid, if greater. For Reissues, see below |               |  |          |
| Large Entity   | Small Entity  | Fee Description  |          |
| Fee Code (\$)  | Fee Code (\$) |  |          |
| 103 18   | 203 9         | Claims in excess of 20                                     |          |
| 102 78   | 202 39        | Independent claims in excess of 3                          |          |
| 104 260  | 204 130       | Multiple dependent claim, if not paid                      |          |
| 109 78   | 209 39        | ** Reissue independent claims over original patent         |          |
| 110 18   | 210 9         | ** Reissue claims in excess of 20 and over original patent |          |
| <b>SUBTOTAL (2)</b>  |               | (\$)   |          |

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity        | Small Entity  | Fee Description  | Fee Paid  |
|---------------------|---------------|--|-----------|
| Fee Code (\$)       | Fee Code (\$) |  |           |
| 105 130             | 205 65        | Surcharge - late filing fee or oath  | 0.00      |
| 127 50              | 227 25        | Surcharge - late provisional filing fee or cover sheet                     | 0.00      |
| 139 130             | 139 130       | Non-English specification  | 0.00      |
| 147 2,520           | 147 2,520     | For filing a request for reexamination                                     | 0.00      |
| 112 920*            | 112 920*      | Requesting publication of SIR prior to Examiner action                     | 0.00      |
| 113 1,840*          | 113 1,840*    | Requesting publication of SIR after Examiner action                        | 0.00      |
| 115 110             | 215 55        | Extension for reply within first month                                     | 0.00      |
| 116 380             | 216 190       | Extension for reply within second month                                    | 0.00      |
| 117 870             | 217 435       | Extension for reply within third month                                     | 0.00      |
| 118 1,360           | 218 680       | Extension for reply within fourth month                                    | 0.00      |
| 128 1,850           | 228 925       | Extension for reply within fifth month                                     | 0.00      |
| 119 300             | 219 150       | Notice of Appeal   | 0.00      |
| 120 300             | 220 150       | Filing a brief in support of an appeal                                     | 0.00      |
| 121 260             | 221 130       | Request for oral hearing   | 0.00      |
| 138 1,510           | 138 1,510     | Petition to institute a public use proceeding                              | 0.00      |
| 140 110             | 240 55        | Petition to revive - unavoidable   | 0.00      |
| 141 1,210           | 241 605       | Petition to revive - unintentional   | 0.00      |
| 142 1,210           | 242 605       | Utility issue fee (or reissue)   | 0.00      |
| 143 430             | 243 215       | Design issue fee   | 0.00      |
| 144 580             | 244 290       | Plant issue fee  | 0.00      |
| 122 130             | 122 130       | Petitions to the Commissioner  | 0.00      |
| 123 50              | 123 50        | Petitions related to provisional applications                              | 0.00      |
| 126 240             | 126 240       | Submission of Information Disclosure Stmt                                  | 0.00      |
| 581 40              | 581 40        | Recording each patent assignment per property (times number of properties) | 0.00      |
| 146 690             | 246 345       | Filing a submission after final rejection (37 CFR § 1.129(a))              | 0.00      |
| 149 690             | 249 345       | For each additional invention to be examined (37 CFR § 1.129(b))           | 0.00      |
| Other fee (specify) |               |  | 0.00      |
| Other fee (specify) |               |  | 0.00      |
|                     |               | <b>SUBTOTAL (3)</b>  | (\$ 0.00) |

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0.00)

Complete (if applicable)

|                                   |                    |
|-----------------------------------|--------------------|
| <b>SUBMITTED BY</b>               |                    |
| Name (Print/Type)                 | James D. Shaurette |
| Signature                         |                    |
| Registration No. (Attorney/Agent) | 39,833             |
| Telephone                         | 509-624-4276       |
| Date                              | 9/26/01            |

## WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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